

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

Amendment of Section 73.202(b),)
FM Table of Allotments,)
FM Broadcast Stations.)
(Akron and Denver, Colorado))

MB Docket No. 05-102
RM-10630

Reclassification of License of)
Station KRFX(FM), Denver, Colorado)

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To: Marlene H. Dortch, Secretary, Office of the Secretary

COMMENTS

Jacor Broadcasting of Colorado, Inc. ("Jacor"), the licensee of
Station KRFX(FM), Denver, Colorado (Facility ID No. 29731), by its attorneys, hereby
comments on the *Notice of Proposed Rulemaking*, DA 05-654 (rel. March 14, 2005) ("NPRM")
in the above-captioned proceeding.

The *NPRM* solicits comments on the proposal by Akron Broadcasting Company
("Akron") to allot Channel 279C1 to Akron, Colorado. Such allotment is possible only if
Station KRFX(FM) is reclassified from a Class C to a Class C0 station. As noted in the *NPRM*,
an *Order to Show Cause, In Re Reclassification of License of Station KRFX(FM), Denver,*
Colorado, 18 FCC Rcd 3220 (MB 2003), was issued to Jacor, affording it 30 days to express in
writing an intention to seek authority to preserve its Class C status, or otherwise challenge the
proposed action. On April 18, 2003, Jacor timely responded that it intended to file an application
for full Class C facilities, and on April 24, 2003, filed such an application, File No. BPH-

20030424AAO (the "KRFX Class C Application"). Initially, the KRFX Class C Application was granted; that grant was rescinded. *See Public Notice*, Report No. 25498 (June 3, 2003). On November 9, 2004, the KRFX Class C Application was dismissed by the Audio Division. *See Letter to Marissa G. Repp, Esq., BPH-20030424AAN, et al., Reference 1800B3 (Chief, Audio Div. Nov. 9, 2004).*

The *NPRM* notes that the dismissal of the KRFX Class C Application remains pending on reconsideration. Consequently, the *NPRM* states that "any action taken herein is subject to the outcome of that proceeding." *NPRM* at n.1.

At this time, Jacor's Petition for Reconsideration of the dismissal of the KRFX Class C Application, filed on December, 2004, continues to be pending before the Media Bureau. The central issue raised in Jacor's Petition for Reconsideration is the qualification of KRFX(FM) for Class C status, so that, if the Petition for Reconsideration, or later appeal, is granted and the KRFX Class C Application is reinstated and granted, KRFX(FM) will maintain its Class C designation. In that event, the Akron rulemaking proposal cannot be effectuated. Consequently, the *NPRM* quite appropriately conditioned any action in the Akron rulemaking proceeding on the ultimate outcome of Jacor's appeal of the dismissal of the KRFX Class C Application.

Given that the KRFX Class C Application is central to the feasibility of the Akron rulemaking proposal, ^{1/} Jacor urges the Media Bureau to act promptly on Jacor's Petition for Reconsideration, and in order to conserve limited Commission resources, to withhold action in this rulemaking proceeding until a final resolution of the class designation of KRFX(FM). Alternatively, should the Bureau act on the Akron rulemaking, it should stay the effectiveness of

^{1/} Jacor expresses no views as to whether the Akron rulemaking proposal serves the Commission's allotment priorities or is otherwise technically feasible.

any new allotment until the final resolution of the KRFX Class C Application. Clearly, until such time, any such allotment would be under a legal cloud which would be expected to diminish bidding when the allotment is auctioned, thereby disserving the public interest.

Respectfully submitted,

**JACOR BROADCASTING OF
COLORADO, INC.**

By: 
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May 5, 2005

Certificate of Service

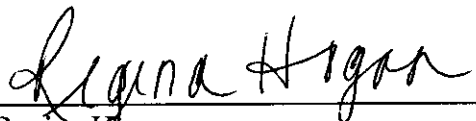
I, Regina Hogan, hereby certify that on this 5th day of May, 2003, a copy of the foregoing **Comments** was sent by first-class mail, postage prepaid, to:

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*By Hand Delivery